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July 24, 2018

VIA ECF

The Honorable Katharine H. Parker
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007
Parker_NYSDChambers@nysd.uscourts.gov

Re: City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.
Case No. 15-Civ. 5345 AJN KHP

City of Almaty, et ano. v. Gennady Petelin
Case No. 18 Misc. 227 AJN KHP

Dear Judge Parker:

I represent non-party Gennady Petelin in the above-referenced actions. This letter responds to the motion to compel filed by the plaintiffs, the Kazakh Entities, with respect to the deposition subpoena served on Mr. Petelin. (ECF No. 799). The motion should be denied and the deposition should properly be adjourned.

Mr. Petelin had previously settled on July 26-27 with the Kazakh Entities as dates on which his deposition would take place. The declaration attached to this letter response explains the facts leading up to the change in scheduling that he requested.

Mr. Petelin, who is almost 72 years of age, [REDACTED]
[REDACTED]
[REDACTED]

On July 20, the same day Mr. Petelin received the prescriptions from his doctor, and still almost a week before the scheduled July 26-27 deposition, Mr. Petelin's counsel notified counsel for the Kazakh Entities that the deposition would need to be rescheduled.

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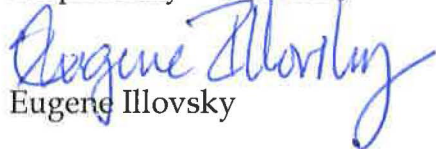
A one-and-a-half day long¹ deposition at the hands of extremely skilled counsel in a fiercely litigated case, through an interpreter, is bound to be a stressful and exhausting experience. [REDACTED]

Mr. Petelin has provided the dates of August 21-22 to counsel for the Kazakh Entities for the deposition. Mr. Petelin respectfully asks that the Court accordingly allow the deposition to be rescheduled from July 26-27 to August 21-22.

Finally, Mr. Petelin has made a good faith effort to produce documents in response to the subpoena duces tecum. On July 2, the Court denied Mr. Petelin's application for more time and ordered Mr. Petelin to "commence production as previously directed." (ECF No. 758). The Court had previously ordered production within three weeks of its June 21, 2018 Order (ECF No. 749), which was July 12. Mr. Petelin commenced production before that date, on July 10, in compliance with the Court's Order.

There are some additional documents Mr. Petelin has indicated relate to an entity called Northern Seas Waterage that he intends to produce in response to the subpoena. Mr. Petelin is in the process of obtaining those documents from a certain location in Russia through a trusted intermediary. There has been some delay in obtaining the documents because of overseas vacation schedules. Mr. Petelin feels it would jeopardize that person's safety if his/her identity or the specific location of the documents were disclosed (and there is no good reason why the Kazakh Entities need to know that information). Mr. Petelin asks the Court to give him until August 10 to produce any additional documents he obtains from overseas.

Respectfully Submitted,


Eugene Illovsky

¹ Mr. Petelin had previously agreed that he would sit for one-and-a-half days. The Kazakh Entities now ask the Court for two full days, despite that prior agreement. There is no good cause to change the terms of that agreement and impose such a burden on Mr. Petelin.